



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922  
REPLY TO  
ATTENTION OF

January 5, 2004

Regulatory Branch (200000025)

Thomas J. Aiken  
Bureau of Reclamation  
U.S. Department of the Interior  
7794 Folsom Dam Road  
Folsom, California 95630-1799

Dear Mr. Aiken:

I am responding to your July 18, 2003, letter and providing comments on the July 2003, Draft Environmental Impact Report/Environmental Impact Statement (DEIS) for the Freeport Regional Water Project. This linear project is located in South Sacramento County, California.

To facilitate and streamline environmental review and processing, we accept your request to participate as a cooperating agency for this project, provided our comments are satisfied in the Final Environmental Impact Statement (FEIS). The following is a list of our comments on the DEIS:

1. WETLAND IMPACTS

a. With regard to the wetlands section of the DEIS, the study method used only gives a rough assessment of wetland impacts. This method is not likely to result in an accurate impact assessment for permitting requirements under Section 404 of the Clean Water Act (CWA). We recommend that formal wetland delineations, in accordance with our 1987 Wetlands Delineation Manual and current standards (enclosed), for all alignments and potential sites for the Zone 40 Wastewater Treatment Plant be conducted and submitted to this office for verification as soon as possible.

b. We have verified wetland delineations for Alternatives 2 & 4 of the Folsom South Canal Connection, both of which expire on October 10, 2005 and January 22, 2005, respectively.

c. Indirect and secondary effects, such as the loss of wetlands through draining, should be quantified and addressed in the FEIS.

## 2. ALTERNATIVES

a. For CWA purposes, we believe the basic project purpose is to deliver the SCWA and EBMUD with necessary water to their Zone 40 WTP and EBMUD facilities. This project is not considered water dependent. As such, alternatives that do not involve the discharge of dredged or fill material into waters are presumed to exist.

b. Your preferred Alternative 5 appears to have the greatest amount of wetland impacts, and would not be considered the least environmentally damaging practicable alternative (LEDPA) under the 404(b)(1) guidelines. We believe there are practicable alternative routes, such as Alternative 2 and other routes through existing urban development, which may be less damaging to waters of the United States, including wetlands.

c. Your 3<sup>rd</sup> Stage Screening criteria should include a detailed explanation of the practicability of all alternatives. Practicability is defined in terms of costs, logistics and existing technology.

d. The alternatives analysis should be consistent with the sequencing of 33 CFR 320.4(r) and 40 CFR 230, and clearly demonstrate the least environmentally damaging practicable alternative (LEDPA).

## 3. MITIGATION

a. You propose to avoid and minimize wetland impacts through the use of tunneling and restoration of the project area to preconstruction contours, wherever feasible. To avoid the need for later project modifications, we recommend you identify areas that are practicable for tunneling in your application.

b. You propose to mitigate unavoidable impacts to wetlands by means of a compensatory wetland mitigation plan. However, no details of this plan are provided in the DEIS. A specific wetland mitigation plan should be developed and included in the FEIS. In particular, you should include a conceptual plan for the proposed site(s) or bank(s) that would be used to accomplish mitigation requirements. Compensatory mitigation should be in-kind and occur within the same watershed.

## 4. NAVIGATION

a. Your preferred alternative requires the construction of an intake structure in the Sacramento River, which is a navigable water under Section 10 of the Rivers and Harbors Act of 1899. As such, a Section 10 permit would be required. The FEIS should include a section on the direct and indirect effects of this project on navigation, including potential effects from lowered water levels in the Delta.

## 5. APPLICATION

a. Once an accurate assessment of wetland impacts has been conducted for all alternatives, you should apply for a Department of the Army permit from this office as soon as possible.

b. Based on the available information, your project appears to have more than minimal impacts to wetlands. As such, Nationwide Permit(s) would not be applicable and we recommend a standard permit application to process this project.

We appreciate the opportunity to provide comments and participate as a cooperating agency. Our web-site at [www.spk.usace.army.mil/cespk-co/regulatory](http://www.spk.usace.army.mil/cespk-co/regulatory) is available for detailed permit application information and wetland delineation minimum standards.

Please refer to identification number 200000025 in any future correspondence concerning this project. If you have any questions, please write to Mr. Justin Cutler at the letterhead address, e-mail [Justin.Cutler@usace.army.mil](mailto:Justin.Cutler@usace.army.mil), or telephone 916-557-5258.

Sincerely,

  
CESPK-CO-R  
CUTLER

CESPK-CO-R  
JEWELL

**ORIGINAL SIGNED**

Michael S. Jewell  
Chief, Central California/Nevada Section

Enclosure

Copy furnished w/ Enclosure:

Kirt Kroner, Freeport Regional Water Project, Draft EIR/EIS Comments, Freeport Regional Water Authority, 1510 J Street #140, Sacramento, California 95814-2098

Copies furnished w/o Enclosure:

Tim Vendlinski, Chief, Wetlands Regulatory Office, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3941

Wayne S. White, Field Supervisor, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901